

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office		(2) MEETING DATE February 7, 2006		(3) CONTACT/PHONE David Edge, County Administrative (805) 781-5011	
(4) SUBJECT Submittal of the proposed 2006 Legislative Platform for the County of San Luis Obispo.					
(5) SUMMARY OF REQUEST In October of 2005, departments met with Don Peterson, the County's Legislative Advocate, to review and update their sections of the current County legislative platform. Suggested revisions or additions have been incorporated into the attached proposed 2006 platform. The platform will provide a basis for direction on the issues of importance to San Luis Obispo County. Throughout the year, staff and Mr. Peterson will be bringing issues to the Board's attention as they develop.					
(6) RECOMMENDED ACTION It is recommended that the Board approve the proposed 2006 legislative platform for the County of San Luis Obispo.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The State Legislature, various County departments and our legislative representative will be involved with implementation of the legislative platform.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, <u>All</u>			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW
-----------------------------------

B-6  
7.06  
(2.7.06)

# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**TO: BOARD OF SUPERVISORS**

**FROM: DAVID EDGE, COUNTY ADMINISTRATOR**

**DAVID EDGE**  
COUNTY ADMINISTRATOR

**DATE: FEBRUARY 7, 2006**

**SUBJECT: SUBMITTAL OF THE PROPOSED 2006 LEGISLATIVE PLATFORM FOR  
THE COUNTY OF SAN LUIS OBISPO**

## **Recommendation**

It is recommended that the Board approve the proposed 2006 legislative platform for the County of San Luis Obispo.

## **Discussion**

In October of 2005, departments met with Don Peterson, the County's Legislative Advocate, to review and update their sections of the current County legislative platform. Suggested revisions or additions have been incorporated into the attached proposed 2006 platform. The platform will provide a basis for direction on the issues of importance to San Luis Obispo County. Throughout the year, staff and Mr. Peterson will be bringing issues to the Board's attention as they develop.

## **Other Agency Involvement/Impacts**

The State Legislature, various County departments and our legislative representative will be involved with implementation of the legislative platform.

## **Financial Considerations**

The legislative platform should result in a positive financial impact on the County of San Luis Obispo.

## **Results**

The intended results of the Legislative Platform are to 1) provide general policy guidance to employees for lobbying efforts at the State; 2) identify specific legislative changes the County wishes to pursue in 2006; and 3) improve incrementally the organization's ability to deliver services to the citizens of the County.

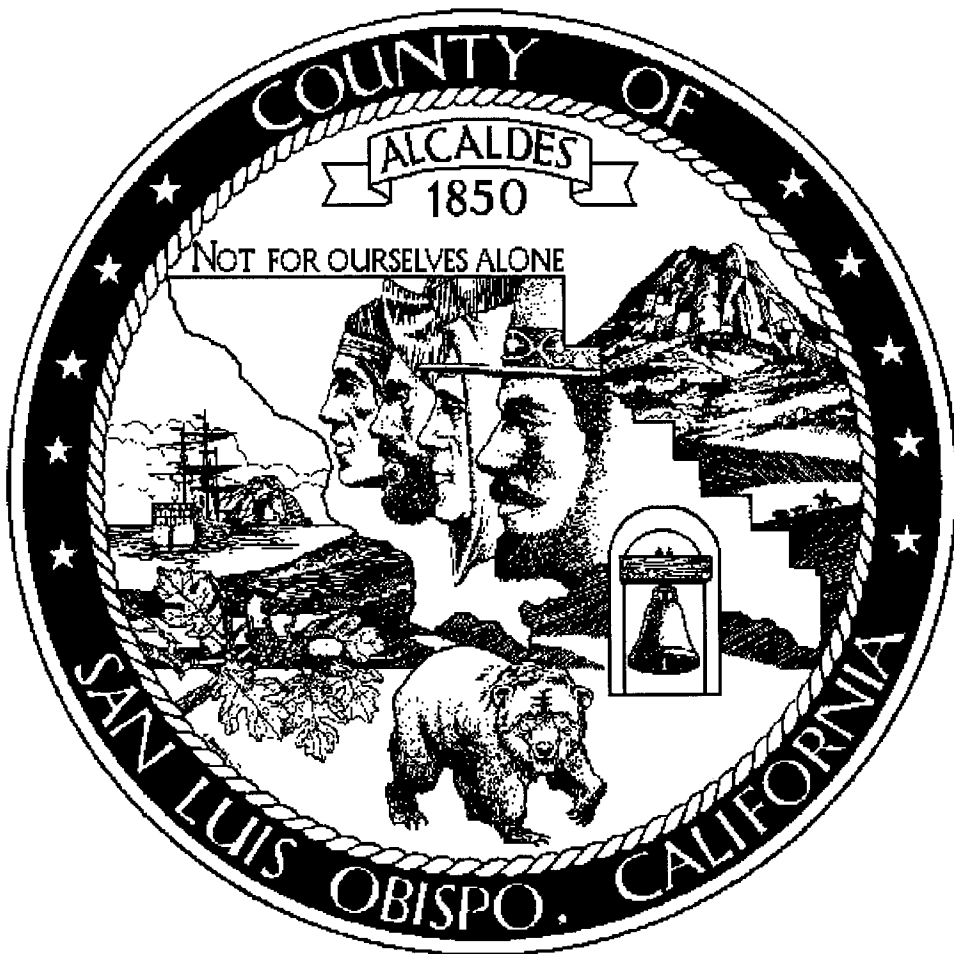
c - Don Peterson, Legislative Representative  
Department Heads

B-10  
28

# SAN LUIS OBISPO COUNTY

2006

## LEGISLATIVE/REGULATORY PLATFORM



Board of Supervisors  
San Luis Obispo County

B-10  
3

SAN LUIS OBISPO COUNTY  
2006 LEGISLATIVE/REGULATORY PLATFORM

SAN LUIS OBISPO COUNTY  
BOARD OF SUPERVISORS

Harry L. Ovitt..... District 1  
Shirley Bianchi ..... District 2  
Jerry Lenthall ..... District 3  
K.H. "Katcho" Achadjian..... District 4  
James Patterson ..... District 5

David Edge ..... County Administrative Officer

County Government Center  
1055 Monterey Street, Room D430  
San Luis Obispo, CA 93408  
(805) 781-5011

\*\*\*\*\*

Compiled by:

Peterson Consulting, Inc.  
1414 K Street, Suite 300  
Sacramento, CA 95814  
(916) 441-4424  
E-mail: [peteronconsult@earthlink.net](mailto:peteronconsult@earthlink.net)

B-10  
4

# SAN LUIS OBISPO COUNTY 2006 LEGISLATIVE PLATFORM

## Part One

### General Guidelines

The primary goal of San Luis Obispo County's Board of Supervisors and its employees is to serve and support the well being of its citizens; San Luis Obispo County government is dedicated to enhancing the economic, environmental, and social quality of life in the County. To this end, in 2006, the San Luis Obispo County Board of Supervisors supports the general principles set forth below. County staff, including the County's legislative advocates, will apply these general principles to evaluate legislation, as well as executive and regulatory directives, and take those actions necessary for their implementation.

- Encourage and seek legislation that protects the County's quality of life, its diverse natural resources, and preserves the essence and history of the County.
- Encourage and seek legislation that facilitates orderly economic expansion and growth, and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
- Support the continuation of fiscal reform efforts begun in Proposition 1A (2004) to assure San Luis Obispo County the financial independence necessary to provide services to its residents and meet its mandated responsibilities.
- Support the County's authority to assure mutually acceptable tax sharing agreements for annexation, incorporation and redevelopment that protect or enhance the County's ability to provide services to its residents.
- Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies while opposing attempts to decrease, restrict or eliminate County revenue sources.
- Support increased appropriations to the County for mandated programs, including capital acquisition costs.
- Oppose mandates without revenue, and, in keeping with the provisions of Proposition 1A, oppose the transfer of state programs to the County, unless adequate on-going revenues are provided.

# SAN LUIS OBISPO COUNTY 2006 LEGISLATIVE PLATFORM

## Part Two

### Priority Legislative Objectives

The priority legislative objectives are set forth as an expression of the Board of Supervisors' specific directions to county staff and legislative advocates for 2006 legislation. These objectives will also serve as information for the County's legislators about specific San Luis Obispo County concerns.

#### I. Board of Supervisors

- A. **Problem:** The residents of San Luis Obispo County, as well as tourists and business people, travel highways 41 and 46. These highways fall far short of the necessary capacity, safety, and convenience warranted by the traffic volume.

**Resolution:** Support funding for improvements on these two vital traffic arteries to and from San Luis Obispo County.

- B. **Problem:** The preservation of agricultural land is vital to the County's future economic stability and the sustenance of agriculture as a viable industry in San Luis Obispo County.

**Resolution:** Support legislation to improve the Williamson Act reimbursement program. Oppose any effort to either repeal the Williamson Act or eliminate the property tax subvention for Williamson Act contracts.

- C. **Problem:** Regulations, either state or local, which prevent the operation of "drive-up" businesses such as banks, cleaners, and drug stores, are discriminatory against the handicapped.

**Resolution:** Sponsor legislation which prohibits restrictions against "drive-up" businesses.

- D. **Problem:** The ability for Community Services District board to serve also as the Cemetery District Board without it being an incompatible office.

**Resolution:** Seek an amendment to state law to allow the Community Services District to serve as the Cemetery District Board without it being an incompatible office.

- E. **Problem:** Funds are needed to complete the project at Lake Nacimiento. Bond funds at the state level are available for this purpose.

**Resolution:** Sponsor language in the Budget to appropriate Proposition 50 or other bond money for the Lake Nacimiento project.

- F. **Problem:** Local traffic experts have suggested that a left turn lane into Harmony off of Highway 1 would be an expeditious method of dealing with the congestion in the area, but the resolution has been blocked by the Coastal commission.

**Resolution:** Sponsor an amendment to current law which would give local officials predominate standing in determining the resolution of issues pertaining to local traffic safety.

- G. **Problem:** The making of motion pictures in San Luis Obispo County provides jobs for the area and an increase in tax revenue. Official notice of the County's natural setting for film making would assist in drawing such investments.

**Resolution:** Sponsor a legislative resolution bringing attention to San Luis Obispo County's desirability as a film site.

- H. **Problem:** The placement of multiple operable and inoperable vehicles in a residential area can cause both traffic and nuisance problems. The county's authority is limited in dealing with the problem.

**Resolution:** Seek to resolve the problem by:

- 1) Clarifying the cooperative agreements with the California Highway Patrol and
- 2) Amending the government code to clearly give the County the authority needed to deal with the problem locally.

- I. **Problem:** Perinatal substance abuse leads to costly problems- costly both in public funds and the disruption of the lives of parents and children impacted by the abuse.

**Resolution:** Seek clarification to law to insure that Proposition 63 funds are available and may be used to address this problem.

- J. **Problem:** The preservation of agricultural land is vital to the County's future economic stability and the sustenance of agriculture as a viable industry in San Luis Obispo County.

**Resolution:** Support legislation to enhance the authority of the Board of Supervisors to protect agriculture land and improve the Williamson Act reimbursement program. Oppose any effort to either repeal the Williamson Act or eliminate the property tax subvention for Williamson Act contracts.

- K. **Problem:** The Port of San Luis Harbor District's annual budget is submitted to the Board of Supervisors for approval. This archaic practice is really unnecessary and should be eliminated.

**Resolution:** Amend the Government Code to remove the required Board of Supervisors approval of the Port of San Luis Harbor District budget.

## II. **Administrative Office**

- A. **Problem:** Several years ago, as a result of a massive settlement agreement with tobacco companies, California and its counties were awarded \$25 billion to be paid over the next 26 years. The approved settlement agreement has no conditions attached stipulating how the money is to be spent. However, several attempts have been made to change the terms of the agreement through the passage of a statute, which would direct counties as to how the tobacco settlement money is to be spent.

**Resolution:** Support continued discretion by the County in the use of tobacco settlement funds and oppose any efforts to restrict the discretion or otherwise mandate the use of these funds.



### III. District Attorney

- A. **Problem:** Current law leads to some confusion as to which county would be the "designated county" with regard to sexually violent predators. Because of the location of Atascadero State Hospital, this confusion increases the workload and cost to San Luis Obispo County. An amendment to Penal Code Section 6601 (a) is needed to correct the confusion.

**Resolution:** Sponsor legislation to amend the penal code, 6601 (a) as follows: The designated county shall be the county in which the person was last convicted of a sexually violent offense, as defined in this article.

- B. **Problem:** The San Luis Obispo County District Attorney has historically been reimbursed for handling and processing cases involving Mentally Disordered Offenders. The state is now interpreting the law differently and not providing reimbursement.

**Resolution:** Seek an amendment to the law (P.C. 2966) to assure the reinstatement and payment of this reimbursement.

- C. **Problem:** The high cost of trial and associated expenses, such as medical and transportation, for inmates housed at Atascadero State Hospital is largely a responsibility of the County. This is a major issue for the District Attorney, Public Defender, and the Sheriff in that the number of cases related to State Hospital patients has increased, and most of these are felony cases. This requires additional staffing for the D.A.'s office, with subsequent increases in Corrections, Public Defender, and Sheriff costs.

**Resolution:** Sponsor and/or support legislation to mandate the State to reimburse San Luis Obispo County for medical and trial costs for inmates of Atascadero State Hospital, as is now done for inmates of state prisons who incur costs for counties.

- D. **Problem:** Penal Code 1370 (c ) (1) (A) does not adequately protect the safety of the public. As currently written, a defendant who has been found incompetent to stand trial may be committed for treatment to promote the restoration of trial competency for a term equal to the maximum penalty for the most serious offense charged or three years, whichever is shorter. Although a defendant may be charged with an offense which carries a maximum penalty of more than three years, if the defendant is still incompetent to stand trial at the end of the three-year PC 1370 commitment, the defendant may simply be released into the community. The defendant receives no further mandated trial competency

7 BLO  
a

treatment. The defendant is never again evaluated for trial competency. Nevertheless, because the defendant is still trial incompetent, the defendant cannot be tried for the underlying offense.

**Resolution:** Amend PC 1370 (c ) (1) (A) to provide that the defendant remain committed under PC 1370 for a term equal to the maximum term of commitment for the most serious offense charged

- E. **Problem:** Domestic violence comprises a substantial percentage of the law enforcement problems faced by the District Attorney. Because this is an area which requires the special attention of the DA's office, training in the area would prove beneficial.

**Resolution:** Support the efforts of the District Attorney to allocate training resources to the handling of domestic violence cases.

- F. **Problem:** Financial Elder abuse, such as identity theft, is a growing problem in California. The state has not allocated resource for controlling this problem area.

**Resolution:** Support efforts to increase state budget allocations to controlling the problem of financial elder abuse particularly identity theft in California.

#### **IV. Children's Services Network**

- A. **Problem:** The increasing demand for services for children, youth and families exceeds the resources of local government and private non-profit agencies.

**Resolution:** Support legislation that:

- 1) creates opportunities and incentives for collaboration between businesses, schools, government and private, non-profit agencies for improved services for children, youth and families;
- 2) increases the quality of child care through annual visits by DSS/Community Care Licensing to subsidized, licensed exempt child care providers, support of national accreditation activities and retention incentives, such as stipends to child care providers;
- 3) creates opportunities for job mentoring for youth in businesses using tax incentives.

## **V. Emergency Services**

- A. **Problem:** The independent monitoring of radiation levels at Diablo Canyon Nuclear Power Plant is important to ensure that ambient radiation levels are being recorded by an objective third party.

**Resolution:** Support funding for independent monitoring of environmental radiation levels around the Diablo Canyon Power Plant through an increase in State funding provided to the State Department of Health Services (DHS) for radiation monitoring and encouraging DHS to contract with Cal Poly for monitoring services.

- B. **Problem:** SLO County has reached its reimbursement cap of \$991,000 plus carryover for 2005-2006 for emergency preparedness and reaction to an emergency at Diablo Canyon. These funds support this work for the cities, school districts, SLO county and Santa Barbara County. Increases in staff costs, training and supplies have outpaced the CPI inflator added to the funds each year. If more reimbursement money is not received, the General Fund will absorb the cost or cut backs will be made to emergency planning and preparedness.

**Resolution:** Revise Government Code 8610 in order to increase the amount of NUC reimbursements to San Luis Obispo County for Diablo Canyon emergency even planning and reaction.

## **VI. Health and Behavioral Health**

- A. **Problem:** Access for low-income families, to primary medical care and specialty care services in the County, is impaired as a result of inadequate reimbursement rates from Medicare, Medi-Cal, and the new Healthy Families program.

**Resolution:** Support/sponsor legislation which

- 1) increases rates of reimbursement, consistent with rates available in other jurisdictions and costs experienced by efficient providers;
- 2) extends "disproportionate share" subsidies (presently available to inpatient care providers) to providers who serve a disproportionate share of lower-income patients on an outpatient basis;
- 3) provides reasonable reimbursement for acquisition of medications, such as chemotherapy agents, which are administered in physician offices;

- 4) provides reasonable reimbursement rates for mental health and dental services for all age groups (children, adolescents and adults).

B. **Problem:** In 2003, San Luis Obispo County closed its County Hospital. The County had to maintain its psychiatric unit on a freestanding basis and seek Psychiatric Health Facility (PHF) licensure. No private or non-profit general hospital in the County has accepted the invitation by the County to develop a psychiatric unit. Psychiatric Health facilities are limited to 16 beds in order to receive federal financial participation in reimbursement under Medicaid. This limitation in size creates an inefficient 24-hour emergency facility model increasing daily costs often above the approved State Maximum Allowed Rates. Counties that have no other local hospital psychiatric facilities available must release patients prematurely or find other emergency care facilities outside its county borders to maintain census below the 16 bed limit. Studies have shown that a 24-hour facility with 40 beds can operate at approximately 70% of the cost of a 16 bed facility.

**Resolution:** State Department of Mental Health should seek waiver from federal government to increase allowable Psychiatric Health Facility size to 40 beds. In addition support an amendment to W&I Code 4080 to eliminate the provisions requiring a lower cost for PHF's than for general hospitals.

C. **Problem:** The current law regarding realignment funds places caps on the individual account expenditures. This limits the ability of SLO to deal with changes in the individual program requirements.

**Resolution:** Support either eliminating the caps for each fund or broadening the Board's authority to move money from one account to the other.

D. **Problem:** Proposition 63 funds are available to county programs in a very prescribed fashion and may direct that funds be used to provide new services while forcing the county to reduce core services.

**Resolution:** Support and advocate for the authority to use Proposition 63 funds to address the whole spectrum of Mental Health with greater flexibility.

## **VII. Public Works**

**Problem:** The operations and maintenance of the Arroyo Grande Creek Levee system of the San Luis Obispo County Flood Control and Water Conservation District (Zones 1 & 1A) is currently provided under a 1959 agreement between the District, the United States Natural Resource Conservation Service (NRCS), and the Coastal San Luis Resource Conservation District (RCD). The District's assessments have been inadequate to maintain the levee system. Efforts to establish future maintenance and management programs under local-control are ongoing to solve deferred maintenance issues in-lieu of relinquishing the facilities to the California Department of Water Resources. Ongoing efforts include technical evaluation of alternative approaches to facilities maintenance, development of additional funding through a Proposition 218 assessment election, development of cooperative inter-agency memorandums of understanding (MOU's), and the evaluation of alternative approaches to institutional governance. Succeeding in all aspects of these efforts is needed to assure long-term viability of the facilities.

### **Resolutions:**

- A. Sponsor legislation that could establish an appropriate locally-controlled special district as a successor in interest to Zones 1 & 1A; and
- B. Sponsor legislation that would provide local agency immunity in flood control levee maintenance cases where funding is rejected under a Proposition 218 election.

## **VIII. Assessor**

- A. **Problem:** The State has provided a subvention to counties, most particularly the assessor, to assist in paying for the collection of property taxes. This is an important source of revenue necessary to sustain the property tax program. However, in the final 2005-2006 budget negotiations, the Property Tax Administration Grant program was eliminated.

**Resolution:** Support any budget, legislative or executive action to restore funding the property tax administration program.

## **IX. Planning**

- A. **Problem:** Under current law, disputes between local agencies and the State Coastal Commission are resolved in court if the County chooses to carry the issue beyond the Commission. This can be a costly process. A much more expeditious resolution would be to submit disputes to arbitration.

**Resolution:** Sponsor a change in state law to require that disputes between counties and the Coastal Commission be submitted to binding arbitration.

## **X. Library**

- A. **Problem:** The Public Library Fund is often the first to be cut by the State in balancing the budget.

**Resolution:** Support the maintenance of State funding for the PLF.

- B. **Problem:** There have been attempts by the legislature to regulate the contents of material kept in public libraries from the communities in which they are located.

**Resolution:** Support the concept of "community standard" as the guiding principle for the content allowed in California's public libraries.

- C. **Problem:** The construction of public libraries is a high priority to maintain the quality of life in San Luis Obispo County.

**Resolution:** Support the passage of the Library Bond Act of 2006 on the June 2006 General Election Ballot.